

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
NORTHERN DIVISION**

AMIR HAMIDI,

Plaintiff,

v.

CITY OF KIRKSVILLE, MISSOURI, et al.,

Defendants.

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No. 2:14CV00087 ERW

MEMORANDUM AND ORDER

This matter comes before the Court on Plaintiff Amir Hamidi's Motion to Strike Defendant's Reply [ECF No. 129]. In his motion Plaintiff argues because Defendants' Bill of Costs [ECF No. 118] is not a motion, Defendants were not entitled to file their Reply in Support of Memorandum in Support of Their Bill of Costs [ECF No. 124] in response to Plaintiff's Opposition to Defendants' Memorandum in Support of Their Bill of Costs. [ECF No. 122]. Accordingly, Plaintiff argues Defendants reply motion be struck, or in the alternative, the Court allow Plaintiff to file a "reply" motion. Defendants respond to the extent Plaintiff's motion was mistitled; the Court should allow their reply motion to stand in substance regardless of how Plaintiff's opposition motion is styled. [ECF No. 131]. The Court rejects Plaintiff's motion to strike Defendants' reply, but will allow Plaintiff the opportunity to file, what is in substance, a sur-reply to the motion.

Accordingly,

IT IS HEREBY ORDERED that Plaintiff Amir Hamidi's Motion to Strike Defendants' Reply [ECF No. 129] is **DENIED**.

IT IS FURTHER ORDERED that Plaintiff Amir Hamidi is allowed to file what is in effect a sur-reply to Defendants' reply, and shall file this motion by October 12, 2016.

Dated this 5th Day of October, 2016.



E. RICHARD WEBBER
SENIOR UNITED STATES DISTRICT JUDGE